

**FILED**  
**DEC 24 2009**



UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA, ) CR. 09-50046-01-KES  
                              )  
Plaintiff,                 )  
                              )  
vs.                         ) ORDER GRANTING  
                              A/k/a Hermis Earl Tail, Jr., ) THIRD CONTINUANCE  
                              )  
Defendant.                 )

Defendant moves for a continuance. The court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the defendant in a speedy trial insofar as defense counsel has made known to the court that additional time is needed to obtain the services of an expert to evaluate the defendant to determine the defendant's ability to assist counsel in the preparation of a defense. Based on the foregoing, it is therefore

ORDERED that defendant's motion is granted. The following deadlines shall apply:

Suppression/voluntariness motions	January 27, 2010
Responses to motions due	Within five days after motion is filed
Subpoenas for suppression hearing	January 27, 2010
Suppression/voluntariness hearing before Magistrate Judge Veronica Duffy	If necessary, shall be held before February 10, 2010

Applications for Writ of Habeas Corpus Ad Testificandum	March 2, 2010
Other motions	March 9, 2010
Responses to motions due	Within five days after motion is filed
Subpoenas for trial	March 9, 2010
Plea agreement or petition to plead and statement of factual basis	March 9, 2010
Notify court of status of case	March 9, 2010
Motions in limine	March 16, 2010
Proposed jury instructions due	March 16, 2010
Jury trial	Tuesday, March 23, 2010, at 9 a.m.

The period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense must commence. 18 U.S.C. § 3161(h)(7)(A).

All other provisions of the court's standing order remain in effect unless specifically changed herein.

Dated December 24, 2009.

BY THE COURT:

  
 KAREN E. SCHREIER  
 CHIEF JUDGE